UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,784	11/21/2003	Anca Zamfir	50325-0844	1563

29989   7590   05/27/2009
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ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
05/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

   4a) Of the above claim(s) *26-52* is/are withdrawn from consideration.

5)☒ Claim(s) *7* is/are allowed.

6)☒ Claim(s) *1-4,6,8-11,13-17,19-23 and 25* is/are rejected.

7)☒ Claim(s) *5,12,18 and 24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 February 2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

February 23, 2009 has been entered.

Response to Amendment

2.   All rejections under 35 U.S.C 102 and 35 U.S.C 103 and objections to

Oath/Declaration, Specification and Drawings made in the previous Office action,

mailed December 29, 2008, have been withdrawn in view of amendment filed on

February 23, 2009.

Response to Arguments

3.   Applicant's arguments filed on February 23, 2009 have been fully considered but

they are not persuasive.

Examiner respectfully disagree with Applicants arguments on page 10, lines 9-17

and page 11, lines 1-5 *"Fig 8 of Kompella does not teach or suggest "sending a Hello*

message to a first neighbor RSVP node, after entering the recovery mode" as recited by

Claim 1. The "advertise restart capability 605" is explicitly indicated by Kompella to be

used "before restart is ever initiated."", because Kompella's "restart initiation" is not

equivalent to the entering recovery mode. Kompella discloses entering recovery mode

(entering graceful restart: node with restart capability; Kompella et al.; Fig. 6; method

468a' that effected by a restarting node; Kompella et al.; column 10, line 39) and

advertise restart capability 605 after entering graceful restart; Fig. 6; Kompella et al.;

Hello message; 830; Fig. 8; column 10, lines 44-57.

Examiner respectfully disagree with Applicants arguments on page 11, lines 6-13

"Kompella Col 22, Lines 50-58 fail to teach or suggest "sending a Hello message to a

first neighbor RSVP node, after entering the recovery mode, wherein the Hello message

comprises a non-zero Recovery Time value" recited by Claim 1", because Kompella

describes the format of a "RESTART_CAP" object, which includes a restart time and a

recovery time (recovery time = y in milliseconds ; Kompella; Fig. 8; 605 Fig. 6; column

22, lines 50-58; column 23, lines 6-21).

Examiner respectfully disagree with Applicants arguments on page 12, lines 6-10

and 15-22 *"the advertisement indicated by Kompella Fig 6 at reference number 622 is*

used to "advertise that the forwarding state table was not preserved," and thus, is not

sent "after completing the recovery mode," as recited by Claim 1", because Hello

message 622 advertising that forwarding state table was not preserved; Kompella et al.;

Fig. 6; column 11, lines 15-20; column 19, lines 10-15, sent after completing the

recovery mode (after restart of component complete with forwarding state was not

preserved; Kompella et al.; Fig. 6; Fig. 8; column 10, lines 66-column 11, line 3).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

5.   Claims **1-3, 8-10, 14-16 and 20-22** are rejected under 35 U.S.C. 102(e) as being

anticipated by **Kompella et al. US 7,359,377**, of record.

As to claims 1, 8, 14 and 20:

Kompella et al. discloses an apparatus for restarting resource reservation

protocol (RSVP) processes in multiple network devices, comprising: a network interface

that is coupled to the data network for receiving one or more packet flows therefrom

(interfaces; Kompella et al.; column 26, lines 20-23); a processor; one or more stored

sequences of instructions which, when executed by the processor (Kompella et al.;

column 26, lines 24-47), and a method of restarting resource reservation protocol

(RSVP) processes in multiple network devices, the method comprising the computer-

implemented steps of:

entering a recovery mode (entering graceful restart: node with restart capability;

Kompella et al.; Fig. 6; method 468a' that effected by a restarting node; Kompella et al.;

column 10, line 39); sending a Hello message (advertise restart capability 605; Fig. 6;

Kompella et al.; Hello message; 830; Fig. 8; column 10, lines 44-57) to a first neighbor

RSVP node (node A; Kompella et al.; Fig. 8), after entering the recovery mode (after

method 468a' effected by a restarting node; Fig. 6; Kompella et al.; column 10, line 39),

wherein the Hello message comprises a non-zero Recovery Time value (recovery time

in milliseconds; Kompella et al.; column 22, lines 50-58); completing the recovery mode

(restart of component complete with forwarding state was not preserved; Kompella et

al.; Fig. 6; Fig. 8; column 10, lines 66-column 11, line 3), after sending the Hello

message (after advertising restart capability 605; Fig. 6; Kompella et al.; Hello message;

830; Fig. 8; column 10, lines 44-57); sending a Hello message to the first neighbor

RSVP node (622; advertise that forwarding state table was not preserved; Kompella et

al.; Fig. 6; column 11, lines 15-20; column 19, lines 10-15), after completing the

recovery mode (after restart of component complete with forwarding state was not

preserved; Kompella et al.; Fig. 6; Fig. 8; column 10, lines 66-column 11, line 3),

wherein the Hello message comprises a Recovery Time value of zero (set time to zero;

Kompella et al.; column 23, lines 6-21; column 19, lines 10-15).

As to claims 2, 9, 15 and 21:

Kompella et al. discloses receiving, from a second neighbor RSVP node, a Hello

message having a non-zero Recovery Time value (860; Kompella et al.; Fig. 8; column

23, lines 6-10, where method of Kompella et al. is applicable to more than two RSVP

nodes within the network Fig. 3);

storing information specifying that the second neighbor RSVP node is in a recovery

mode (850; node a discovers that node b is down with setting local timer 855 which is

running in the node; Kompella et al.; Fig. 8; column 12, lines 5-8).

As to claims 3, 10, 16 and 22:

Kompella et al. discloses receiving, from the second neighbor RSVP node, a

Hello message having a zero Recovery Time value (Kompella et al.; Fig. 8; column 23,

line 11, where method of Kompella et al. is applicable to more than two RSVP nodes

within the network Fig. 3); storing information specifying that the second neighbor RSVP

node is in a normal mode (735 accept or infer forwarding state from peer node, where

time value of zero corresponds to the states were not preserved mode (normal mode);

735; Kompella et al.; Fig. 7).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims **4, 6, 11, 13, 17, 19, 23 and 25** rejected under 35 U.S.C. 103(a) as being

unpatentable over **Kompella et al. US 7,359,377**, of record, in view of **Seddigh et al.**

US 7,317,731, of record.

As to claims 4, 11, 17 and 23:

Kompella et al. discloses the claimed invention as to claims 2, 9, 15 and 21

above.

Kompella et al. fails to teach step of creating and storing
second information further comprises the steps of: receiving an RSVP PATH message
that contains a Recovery Label; forwarding the PATH message to a downstream node
with the Recovery Label only in response to determining that the PATH message is
being sent to a node that is in recovery mode.

However, Seddigh et al. discloses receiving (received by node 620; Seddigh et
al. Fig. 6) an RSVP PATH message (612; Seddigh et al. Fig. 6) that contains a
Recovery Label (Seddigh et al.; column 18, lines 40-45); forwarding (forwarded by node
610; Seddigh et al.; Fig. 6) the PATH message (612; Seddigh et al. Fig. 6) to a
downstream node with the Recovery Label only in response to determining that the
PATH message is being sent to a node that is in recovery mode (Seddigh et al.; column
18, lines 36-45) for the purpose of hitless restart (Seddigh et al.; Title).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the applicants' invention was made to include RSVP PATH message processing in
the RSVP system taught by Kompella et al., as taught by Seddigh et al., in order to
perform a hitless restart in the network (Seddigh et al.; Title).

As to claims 6, 13, 19 and 25:

Kompella et al. and Seddigh et al. disclose the claimed invention as to claim 4,
11, 17 and 23 above.

Furthermore, Kompella et al. and Seddigh et al. disclose the determining step is
performed based on whether a Recovery Time value in a previously received Hello

message is non-zero (Kompella et al.; column 25, lines 13-31; Seddigh et al. column 18,

lines 35-40).

Allowable Subject Matter

8.   Claim **7** is allowed.

9.   Claim **5, 12, 18 and 24** objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alex Skripnikov whose telephone number is 571-270-

1958. The examiner can normally be reached on Monday - Friday 9:00 AM to 5 PM

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kwang B. Yao can be reached on 571-272-3182. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 22, 2009   /Alex Skripnikov/
                                                     Examiner, Art Unit 2416

/KWANG B. YAO/
Supervisory Patent Examiner, Art Unit 2416